

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

ROBERT BOULE,  
Plaintiff,

v.

ERIK EGBERT and JANE DOE EGBERT  
and their marital community,  
Defendants.

No. 2:17-cv-00106-RSM

**DECLARATION OF  
DAVID GOLDFARB**

COMES NOW David Goldfarb, being duly sworn, does hereby swear and affirm:

1. I am the Assistant Chief Counsel for U.S. Customs and Border Protection in Seattle, Washington.

2. On or about March 12, 2018, my office received a copy of a subpoena that Defendant Egbert's attorneys issued to U.S. Border Patrol Agent ("Agent") Philip Olson for his deposition.

3. On or about March 15, 2018, I issued instructions to Agent Olson in which I authorized him to testify as to his personal knowledge of the matters and facts at issue, gained in the performance of his official duties and in accordance with the terms set forth in the March 6, 2018 *Stipulated Protective Order between Parties, U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement*. Agent Olson was specifically not authorized to provide testimony or documents that would reveal investigative techniques or procedures, law enforcement sensitive details of U.S. Customs and Border Protection ("CBP") operations, disclose the existence or details of any federal investigation, reveal the identity of a confidential source, or disclose any commercial information protected by law or regulation.

1           4.     On or about March 19, 2018, my office received a copy of a subpoena that  
2 Defendant Egbert's attorneys issued to Retired Supervisory Border Patrol Agent Kenneth  
3 Andersen for his deposition.

4           5.     On or about March 23, 2018, I issued instructions to Mr. Andersen that were  
5 similar to those I issued to Agent Olson.

6           6.     Because the existence of any confidential informant relationship between the  
7 Government and any witness or party to this case is one which CBP has no authorization to  
8 disclose, and because, to date, my office has received no authorization from any entity which  
9 might have such authority to disclose any alleged status or identity of any confidential  
10 informant that may relate to this case, I am therefore unable to authorize any CBP employee to  
11 testify regarding the same.

12           7.     On or about March 16, 2018, my office received a subpoena that Defendant  
13 Egbert's attorneys served on me in which they sought various documents from CBP.

14           8.     On March 26, 2018, I timely responded to the subpoena advising of the  
15 documents that were not available, the documents that we had requested from the Agency, and  
16 the additional information from Defendant Egbert that would be required before the remainder  
17 of the documents could be requested/provided.

18           9.     On or about March 29, 2018, Defendant's attorney Nikki Carsley sent a letter to  
19 me providing requested search terms and asked that CBP expand the scope of certain  
20 responses.

21           10.    On or about April 9, 2018, attorney Jennifer Stilwell of my office spoke to Ms.  
22 Carsley advising her of the status of the subpoena responses and the additional information that  
23 was needed.

24           11.    On or about April 10, 2018, Ms. Stilwell received a letter from Defendant  
25 Egbert's attorneys providing additional information that had been requested for some aspects of  
26 the subpoena demand.

27           12.    On April 13, 2018, my office hand-delivered a supplemental response to the  
28 subpoena, with responsive documents.

          13.    On April 16, 2018, my office hand-delivered a second supplemental response to  
the subpoena, with additional responsive documents.

1           14. My office is awaiting additional responses/documents from other Agency  
2 personnel and, once received, I will further supplement the response to the subpoena.

3  
4           Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is  
5 true and correct.

6           EXECUTED this 16th day of April, 2018.

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9           DAVID GOLDFARB